

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROEUTH PAO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-00452-SAB

ORDER GRANTING STIPULATION FOR
EXTENSION OF TIME FOR PLAINTIFF TO
FILE LETTER BRIEF

On March 29, 2020, Roeuth Pao (“Plaintiff”) filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On January 22, 2021, a stipulation was filed to extend the time for Plaintiff to file a motion for summary judgment until February 5, 2021. (ECF No. 14.) However, it appears the intent of the stipulation was meant to be directed at the deadline to serve a confidential letter brief on Defendant, and not the motion for summary judgment.

This case was stayed until the filing of the administrative record on December 11, 2020. (ECF No. 12.) The Court’s December 14, 2020 order advising the parties of the lifting of the stay specified that the parties were to proceed according to the scheduling guidelines contained in the scheduling order issued on March 31, 2020. (ECF No. 13.) Pursuant to the scheduling order, within thirty (30) days after service of the administrative record, Plaintiff was to serve a confidential letter brief on Defendant, and file a proof of service with the Court. (ECF No. 5 at

2.) Thirty-five (35) days after service of Plaintiff's letter brief, if the parties do not agree to remand, Defendant is to serve a response on Plaintiff and file proof of service with the Court. (Id.) Thirty days after service of Defendant's letter brief, Plaintiff is then required to file and serve an opening brief with the Court, which appears to be the motion for summary judgment Plaintiff refers to in the stipulated request before the Court. Thus, the deadline that seems to be referred to in the stipulation is Plaintiff's deadline to serve a letter brief on Defendant, and to file a proof of service of such. That deadline expired on January 11, 2021. While the stipulation does not clearly refer to this deadline, and the Court generally requires additional good cause to be shown for stipulations requesting the extensions of deadlines that have already expired, in order to preserve time and resources of the Court and the parties, the Court shall grant an extension of time for Plaintiff to serve a letter brief on Defendant and file proof of service of such with the Court until February 5, 2021.

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that the deadline for Plaintiff to serve a confidential letter brief on Defendant and file proof of service with the Court is extended until February 5, 2021.

IT IS SO ORDERED.

Dated: January 22, 2021


UNITED STATES MAGISTRATE JUDGE